UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,532	10/16/2001	Wing P. Leung	GS/080 CONT.	7831

		EXAMINER
7590	08/11/2006	SHANG, ANNAN Q

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ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/033,532	LEUNG ET AL.
	Examiner	Art Unit	
	Annan Q. Shang	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 May 2006</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1 and 10-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1 and 10-39</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/28/06</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 10, 14-19, 21-25, 29-30, 33-35 and 38-39 are rejected under 35

U.S.C. 103(a) as being unpatentable over **Brian et al (5,548,345)** in view of **Gilboy**

(5,465,113).

As to claim 1, note the **Brian** references figures 1-2 and 7, discloses video

viewing censoring supervision system (col.3, lines 8-28) and further discloses a method

and apparatus of exercising access control using a parental control user interface

having different functions that are available to a user in a master mode of operation, the

method comprising the steps of:

A television display (TV System 20);

A tuner (Tuner 420 of TeleCommander 'TC' 10, fig.4 col.6, lines 11-17) for

receiving a plurality of television programs and passing one of the television programs

(col.3, lines 8-36), TC-10 further includes a memory (448) for storing a blocking override

list comprising information relating to at least one television program and an enable

override list comprising information relating to at least one television program (col.5, line

36-col.6, line 17);

A user via Remote Control (RC) 12 or Main Control Unit 'TeleCommader' 10, inputs a password (Personal ID Number 'PIN' to M-438) for a master mode (Supervisor or Parent) to obtain access to functions of the parental control user interface (T-10 interface, RC 12 and TV System 20, col.3, lines 8-28 and col.4, line 55-col.5, line 3 and M-438, col.6, lines 11-17);

Entering a first, second, third, criterion (Supervisor or Parent enters different viewing modes supervising viewing or recording, full access, programs modes) for blocking a television program from being viewed or recorded or overriding a blocked television program (figs. 5, 6a, col.4, line 55-col.5, line 3, col.6, line 61-col.7, line 30 and line 30+), note that fig.6a shows the steps of selecting different modes of viewing or recording, etc., M-438 "a blocking and unblocking circuit" couples television program passed by the tuner to television display (TV-20), generates a blocking command in the unblocking mode only when the television program passed by the tuner corresponds to the information relating to one of the televisions program in the blocking override list, and generates a blocking command in the blocking mode only when the television program passed by the tuner does not corresponding to the information relating to any one of the television programs in the enable override list, M-438 blocks/unblocks, by channel, program, etc., on a day to day, week(s), bases;

Selecting a plurality of program for displaying or recording and unblocking the selected plurality of program that meet the blocking criterion and do not meet the overriding criterion so they can be viewed or recorded, if the user enters the password responsive to the prompt (col.7, lines 31-59), note that Unit 10 permits a Child to select

and view channels not blocked and "Not Available" screen is displayed if the child

selects a blocked channel.

Brian fails to explicitly teach prompting the user not in the master mode to enter

the password if the selected plurality of program meet the blocking criterion and do not

meet the overriding criterion.

However, note the **Gilboy** reference figures 1-2, discloses a programmable

channel regulating cable television controller, that allows a user to limit the total viewing

time of a cable television channel or set of channels during a given time period for

various users' and prompts each user for a password before and during TV viewing in

order to prevent unauthorized changes to a channel timer (col.3, lines 19-25, line 45-

col.4, line 15, line 41-col.5, line 16 and line 60-col.6, line 21).

Therefore it would have been obvious for one of ordinary skill in the art at the

time of the invention to incorporate the teaching of Gilboy into the system of Brian to

allow a parent to program different settings users of the house and provide additional

security for the system by requesting for a password before and during the TV viewing.

As to claim 10, Brian further discloses where the password, is established by a

first-time user (col.4, line65-col.5, line 3).

As to claim 14, Brian further teaches monitoring the power levels of VCR and TV

and turning off or on the VCR or TV and shutting off the signal from the T-10 (col.5,

lines 42-51 and col.6, lines 41-56) and inherently teaches a power outage situation that

requires a password from a user.

As to claims 15-16, Brian further discloses where the criterion is entered in a normal TV picture viewing mode, by tuning to a TV program and activating an on-screen menu and where the criterion is entered in a guide mode using an on-screen menu activated from a program schedule guide (figs.7-11 and col.8, line 37-col.9, line 40).

As to claim 17, Brian further discloses selecting a set of TV programs to be watched or recorded by a child and permitting only the selected set to be watch by the child without inputting the password to the exclusion of all other programs being telecast (col.4, line 55-col.5, line 3 and col.7, line 13-col.8, line 58)

Although Brain fails to explicitly teach selecting a set of TV programs to be watched or recorded in a babysitting mode, it would have been obvious to one of ordinary skill in the art to modify the teaching of Brian to included setting other TV programs for other users in the house including babysitters.

Claims 18-19 are met as previously discussed with respect to claims 15-16.

As to claims 21-23, Brian further discloses where the criterion is blocking or overriding a blocked TV channel or TV program, where the blocking or overridden TV channel or program is marked in a parental control review list and where the entering a criterion comprises editing the parental control review list with respect to channel, date, time and length (col.7, line 6-col.8, line 1+ and col.9, line 3-54).

Claim 24 is met as previously discussed with respect to claims 15-16.

Claim 25 is met as previously discussed with respect to claims 1.

As to claims 29-30, the claimed "A method of exercising access control over a television using a parental control user interface..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claims 33-35, the claimed "A method of exercising access control over a television using a parental control user interface..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claims 38-39, the claimed "An apparatus for parental control of television..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

3.   Claims 11-13, 20, 25, 26-28, 31-32 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brian et al (5,548,345)** in view of **Gilboy (5,465,113)** as applied to claim 1 above, and further in view of **West et al (5,550,575)**.

As to claims 11-12, Brian as modified by Gilboy fail to explicitly teach where the password can be changed by a user when in the master mode and where the password can be changed by repeatedly entering an incorrect password for a predetermined number of times and confirming the repeatedly entered password at the end of the entering step.

However, note the West reference figs 4-5, discloses a viewer discretion TV program control system and further teaches creating new password for the user if the primary password is forgotten (col.12, line 15-col.13, line 1+).

Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the teaching of West into the system of Brian as modified by Gilboy to assist a user to change their password if a primary user forgets their password in order to allow the parent or the primary user to still have the ability to reset the parental control device even if the parent or primary user forgets their password.

As to claim 13, Brian as modified by Gilboy fail to explicitly teach where the master mode of operation remains in effect until a TV configured to display the TV program is turn off, the user exits the master mode or a time delay expires.

However, West further discloses where the master mode of operation remains in effect until a TV configured to display the TV program is turn off, the user exits the master mode or a time delay expires (col.7, lines 29-40, col.11, line 36-45 and col.14, lines 17-65).

Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teaching of West into the system of Brian as modified by Gilboy to enable the system to reprogrammed itself to the original settings after the parent overrides the parental control settings thereby prevent the child from watching the overridden program or ratings.

As to claim 20, Brian as modified by Gilboy fail to explicitly teach inputting a parental control level extracting a parental control rating from the TV signal carrying the selected program, comparing the rating with the parental control level and blocking the selected program if its rating falls below the parental control level.

However, West further teaches allowing the parent to input a parental control level extracting a parental control rating from the TV signal carrying the selected program, comparing the rating with the parental control level and blocking the selected program if its rating falls below the parental control level (col.6, line 63-col.7, line 50 and col.14, lines 17-65).

Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the teaching of West into the system of Brian as modified by Gilboy to enable a parent to modify or control the TV programs and allow only desired programs to be viewed by a household.

Claim 25 is met as previously discussed with respect to claims 11-12.

As to claim 26, Brian as modified by Gilboy fail to explicitly teach restoring the criterion after the user is no longer in the master mode.

However, West further discloses restoring the criterion after the user is no longer in the master mode (col.7, lines 29-40, col.11, line 36-45 and col.14, lines 17-65).

Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teaching of West into the system of Brian as modified by Gilboy to enable the system to reprogrammed itself to the original settings after the parent overrides the parental control settings thereby prevent the child from watching the overridden program or ratings.

As to claims 27-28, the claimed "An apparatus for parental control of television..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Brian as modified by Gilboy fail to explicitly teach restoring the criterion after the user is no longer in the master mode and where the master mode of operation remains in effect until the TV is turn off, the user exits the master mode or a time delay expires.

However, West further discloses restoring the criterion after the user is no longer in the master mode and where the master mode remains in operation until the parent exits the mode or the program time expires (col.7, lines 29-40, col.11, line 36-45 and col.14, lines 17-65).

Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teaching of West into the system of Brian as modified by Gilboy to enable the system to reprogrammed itself to the original settings after the parent overrides the parental control settings thereby prevent the child from watching the overridden program or ratings.

As to claims 31-32, the claimed "A method of exercising access control over a television using a parental control user interface..." is composed of the same structural elements that were discussed with respect to the rejection of claims 27-28.

As to claims 36-37, the claimed "A method of exercising access control over a television using a parental control user interface..." is composed of the same structural elements that were discussed with respect to the rejection of claims 27-28.

Response to Arguments

4.   Applicant's arguments with respect to claims 1 and 10-39 have been considered but are moot in view of the new ground(s) of rejection. The amendment to

the independent claim and the new claims necessitated the new ground(s) of rejection

discussed above. **This Office Action is made Final.**

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Hunter et al (5,485,518) disclose electronic media program recognition and

choice.

Johnson et al (5,001,554) disclose terminal authorization method.

6.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in
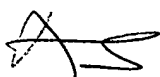
37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

Annan Q. Shang

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